

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA

Amy Hiltner,)	
)	Civil No.: 3:12-cv-00013
Plaintiff – Appellee,)	
)	
vs.)	
)	
Owners Insurance Company,)	
)	
Defendant – Appellant.)	

NOTICE OF APPEAL

TO: THE ABOVE-NAMED PLAINTIFF AND HER ATTORNEY OF RECORD, KEITH L. MILLER, 403 CENTER AVENUE, STE. 201, MOORHEAD, MN:

YOU WILL PLEASE TAKE NOTICE that the defendant, Owners Insurance Company, a Michigan Corporation, hereby appeals to the United States Court of Appeals for the Eighth Circuit from the Order of the United States District Court for the District of North Dakota, entered June 26, 2018, denying defendant's motions for relief under F.R.Civ.P. 52(b), 59(a), 59(e), and 60(b) (Doc. Id. No. 90), and from the Court's Third Amended Judgment entered April 27, 2018, (Doc. Id. No.: 83).

Respectfully submitted this 24th day of July, 2018.

/s/ Michael J. Morley

Michael J. Morley, #03596
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Attorneys for Defendant ~ Appellant
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U.S. COURT OF APPEALS - EIGHTH CIRCUIT
 APPELLANT'S FORM A
 Appeal Information Form
 To be filed with the Notice of Appeal

Appeal Docket No. _____

STYLE OF CASE:

Amy Hiltner

Appellee
 vs.

COUNSEL: NAME, ADDRESS, AND TELEPHONE NUMBER

Keith L. Miller
 Miller, Norman & Associates, Ltd.
 403 Center Avenue, Ste. 201
 Moorhead, MN 56561-1066
 (218) 233-2495

Owners Insurance Company

Appellant

COUNSEL: NAME, ADDRESS, AND TELEPHONE NUMBER

Michael J. Morley
 Morley Law Firm, Ltd.
 4000 Garden View Drive, Ste. 100
 Grand Forks, ND 58208-4519
 (701) 772-7266

LIST ISSUES ON APPEAL(For administrative purposes). You may indicate that this also serves as your statement of issues under FRAP 10(b)(3). ☐ Yes. ☒ No.

See Attached Sheet

FOR LEAD COUNSEL ONLY

I ☐ have (☒ have not) discussed settlement possibilities on appeal with my client.
 This appeal ☒ is (☐ is not) amenable to settlement. discussions.

Submitted by: s/ Michael J. Morley 7-24-18
 Signature of Lead Counsel ~ Attorney for Appellant Date

INSTRUCTIONS:

Filing of appellant's Form A is required to be submitted to the Clerk of the District Court with the Notice of Appeal (8 Cir. Rule 3B). If inadvertently omitted, appellant may file Form A directly with the Clerk of the Court of Appeals before appeal is docketed. Forms are available at the District Court Clerk's Office and may be obtained electronically at:

www.ca8.uscourts.gov

- Copy 1 - Send to Appellee (together with an uncompleted Form B)
- Copy 2 & 3 - Send to Clerk, District Court with Notice of Appeal or Eighth Circuit (see above)
- Copy 4 - Retain

Issues on Appeal

1. Was the District Court's apportionment of causal fault for the accident involved in this case of 55% to Samantha Denault, and only 20% to appellee, supported by the Court's Findings of Fact, Conclusions of Law and preponderance of the evidence at trial or were these fault allocations against the greater weight of the evidence at trial.
2. Did the District Court err and disregard the mandate from the 8th Circuit Court of Appeals wherein it ultimately imposed an improperly higher excessive standard of care upon Samantha Denault for the care and safety of appellee for the motor vehicle accident?
3. Did the District Court err in refusing to grant appellant's post-judgment motions for relief and failing to dismiss appellee's Complaint against appellant with prejudice?
4. Did the District Court err and abuse its discretion in refusing to award appellant a new trial?
5. Any other issues as listed in appellants F.R.A.P. 10(b)(3) statement.

U.S. COURT OF APPEALS - EIGHTH CIRCUIT

Appeal Docket No. _____

APPELLEE'S FORM B

Appeal Information Form

CASE NAME (Underline name of Appellee):

IS THIS ALIGNMENT OF PARTIES, NAMES, ADDRESSES, AND TELEPHONE NUMBERS
CORRECT ON APPELLANT'S FORM A? ☐ Yes ☐ No If no, list corrections below.

FOR LEAD COUNSEL ONLY

I ☐ have (☐ have not) discussed settlement possibilities on appeal with my client.

This appeal ☐ is (☐ is not) amenable to settlement.

NAME, ADDRESS, AND TELEPHONE NUMBER OF LEAD COUNSEL:

Submitted by: s/ _____

Date: _____

Copy 1 - Send to Appellant

Copy 2 & 3 - Send to Clerk, Eighth Circuit Court of Appeals

Copy 4 - Retain

Amy Hiltner v. Owners Insurance Company

Case No.: 3:12-cv-00013

STATE OF NORTH DAKOTA)
) ss AFFIDAVIT OF SERVICE
COUNTY OF GRAND FORKS) BY E-MAIL

The undersigned, being first duly sworn, deposes and states that a copy of:

**Notice of Appeal;
Appellant's Form A; and
Appellee's Form B**

was served on July 24, 2018, by forwarding a true and correct copy thereof via E-Mail, to-wit:

**Keith L. Miller, Esq.
MILLER, NORMAN & ASSOCIATES, LTD.
kmiller@mnalaw.com**

To the best of affiant's knowledge, the e-mail address above given is the actual e-mail address of the party intended to be so served. The above documents are mailed in accordance with the provisions of the Federal Rules of Appellate Procedure.


Toni Nicolson

SUBSCRIBED AND SWORN to before me this 24th day of July, 2018.


Notary Public
My Commission Expires:

(SEAL)

